

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PAUL JONES,

Case No. 2:20-cv-01064-JAD-EJY

Plaintiff

ORDER

V.

STATE OF NEVADA,

Defendant.

I. DISCUSSION

On June 15, 2020, Plaintiff, an inmate in the custody of the Clark County Detention Center (“CCDC”), submitted an application to proceed *in forma pauperis* and a motion for appointment of counsel. (ECF Nos. 1, 1-1). Plaintiff has not submitted a complaint or a fully complete application to proceed *in forma pauperis*.

Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff until **August 17, 2020** to submit a complaint to this Court.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and
- (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period.**

1 Plaintiff has not submitted a properly signed Financial Certificate or an inmate account
2 statement for the previous six-month period. Accordingly, the Court denies Plaintiff's application
3 to proceed *in forma pauperis* (ECF No. 1) without prejudice because the application is incomplete.
4 The Court grants Plaintiff a **one-time extension** to file a fully complete application to proceed *in*
5 *forma pauperis* containing all three of the required documents. Plaintiff must file a fully complete
6 application to proceed *in forma pauperis* on or before **August 17, 2020**. Absent unusual
7 circumstances, the Court will not grant any further extensions of time. If Plaintiff is unable to file a
8 fully complete application to proceed *in forma pauperis* with all three required documents on or
9 before **August 17, 2020**, the Court will dismiss this case without prejudice for Plaintiff to file a new
10 case with the Court when Plaintiff is able to acquire all three of the documents needed to file a fully
11 complete application to proceed *in forma pauperis*.

12 A dismissal without prejudice means Plaintiff does not give up the right to refile the case
13 with the Court, under a new case number, when Plaintiff has all three documents needed to submit
14 with the application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file an
15 application to proceed *in forma pauperis* and instead pay the full filing fee of \$400 on or before
16 **August 17, 2020** to proceed with this case.

17 **CONCLUSION**

18 For the foregoing reasons, IT IS HEREBY ORDERED that Plaintiff shall submit a complaint
19 to this Court on or before **August 17, 2020**.

20 IT IS FURTHER ORDERED that the Clerk of the Court shall send Plaintiff the approved
21 form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The Clerk of the Court
22 shall also send Plaintiff a copy of his motion for appointment of counsel. (ECF No. 1-1).

23 IT IS FURTHER ORDERED that Plaintiff's application to proceed *in forma pauperis* (ECF
24 No. 1) is denied without prejudice. Plaintiff may file a new and fully complete application to proceed
25 *in forma pauperis* that includes all three documents by August 17, 2020.

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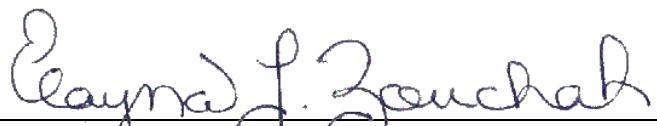
1 IT IS FURTHER ORDERED that the Clerk of the Court shall send Plaintiff the approved
2 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled
3 information and instructions for filing an *in forma pauperis* application.

4 IT IS FURTHER ORDERED that on or before **August 17, 2020**, Plaintiff shall either pay
5 the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50
6 administrative fee) or file with the Court:

7 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
8 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
9 3),
10 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
11 (i.e. page 4 of this Court's approved form), and
12 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
13 **six-month period.**

14 IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint and a fully complete
15 application to proceed *in forma pauperis* with all three documents or pay the full \$400 filing fee for
16 a civil action on or before **August 17, 2020**, the Court will dismiss this action without prejudice for
17 Plaintiff to refile the case with the Court, under a new case number, when Plaintiff is able to file a
18 complaint and has all three documents needed to file a complete application to proceed *in forma*
19 *pauperis*.

20 DATED: June 18, 2020

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23 ELAYNA J. YOUCHAH
24 UNITED STATES MAGISTRATE JUDGE
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